



U.S. Department of Justice

MEMO ENDORSED

(Corrected)

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October 21, 2020

BY ECF

Hon. Lewis A. Kaplan
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 10/21/2020

RE: *Carroll v. Trump*, No. 1:20-cv-7311-LAK-JLC (S.D.N.Y.)

Your Honor:

The United States of America, by its undersigned counsel, hereby respectfully moves the Court for a continuance of the argument on the pending motion to substitute the United States for President Donald Trump in the above-captioned action, which currently is scheduled to be argued today at 3:30 p.m. As grounds for this motion, the United States respectfully submits that this morning, when the attorney for the United States who was designated to present argument in support of the motion for substitution, he was denied access to the courthouse on the grounds that he had traveled from his place of residence in the Commonwealth of Virginia, which yesterday, apparently, was added to the jurisdictions from which the State of New York bans travel.

Sincerely,

/s/ Stephen R. Terrell

Stephen R. Terrell

cc: Counsel of Record (by ECF)

Denied. The Court will hear the government's argument (a) in person if offered by an attorney who is permitted entry to the courthouse under existing rules and orders pertaining to COVID, or (b) by telephone from outside the courthouse if offered by any attorney not eligible to enter the courthouse.

Alternatively, the Court will take the motion on submission without oral argument. The undersigned is not authorized to vary the existing restrictions on entry into the courthouse. It notes further that, contrary to the government's suggestion, it appears that Virginia was added to the list of Restricted States over a week ago. New York State, *Governor Cuomo Announces Three States Added to Travel Advisory* (Oct. 13, 2020), <https://www.governor.ny.gov/news/governor-cuomo-announces-three-states-added-travel-advisory> (last visited Oct. 21, 2020). The government shall advise the courtroom, deputy as promptly as possible what it intends to do.

SO ORDERED.

10/21/2020
USDJ